



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,893	01/29/2002	Thomas R. McCann	WING-1-1026	9662

25315 7590 06/30/2005

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2686

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,893

Applicant(s)

MCCANN, THOMAS R.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 April 1954.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4,** are rejected under 35 U.S.C. 102(b) as being anticipated by Hanson (US Patent Number 5,963,861).

Regarding **claim 1**, Hanson teaches a method for wirelessly connecting a computer device 40 to a server (IP) 43 (see figure 1, col 2 lines 50-67, col 3 lines 1-3), the method comprising:

generating data related to the location of the computer device 20 (col 1 lines 54-60, col 4 lines 1-5); by initiating a call mobile phone generating location data to the base station;

wirelessly sending the location data to a phone number look-up device (IP) 43 (col 4 lines 1-16) (server 43/IP is the phone number look-up device); mobile 40 by initiating a call sending the location data to MSTO which coupled to IP (43) through (BTS and MSC) (col 4 lines 1-13);

retrieving at least one phone number from memory 44 **of the phone number look up device, and based on the location data** (IP) 43 (see figures 1 & 3, col 5 lines 35-40);

wirelessly connecting the computer device 40 to a server (20-23) using the at least one phone number (col 2 lines 50-65, col 3 line 1).

Art Unit: 2686

Regarding **claim 4**, Hanson teaches a method wherein **user input** as mentioned in claim 1. The computer device comprises:

recording location information as spoken by a user (col 4 lines 19-26). Hanson inherently teaches the computer device comprises: generating location data by performing active speech recognition of the recorded location information (col 4 lines 19-26, lines 49-56).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2-3**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (US Patent Number 5, 963,861) in view of Blumberg et al. (US Patent Number 2004,0110515 A1).

Regarding **claim 2** Hanson fails to teach a method wherein **generating location data is derived from a Global positioning System (GPS)**. However Blumberg teaches a method wherein **generating location data is derived from a Global positioning System (GPS)** (page 3 section 0044, page 2 section 0017). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Blumberg with Hanson, in order to enable the user to receive and transmit digital data including sound, textual and graphic data as, for example, file transfer, electronic mail, facsimiles, electronic posts, data bank access, information center access, images, instructions and multimedia files.

Art Unit: 2686

Regarding **claim 3**, Hanson fails to teach a method wherein **generating location data is derived from user input**. However Blumberg teaches a method wherein **generating location data is derived from user input** (page 4 section 0047). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Blumberg with Hanson, in order to enable the user to receive and transmit digital data including sound, textual and graphic data as, for example, file transfer, electronic mail, facsimiles, electronic posts, data bank access, information center access, images, instructions and multimedia files.

Allowable Subject Matter

5. **Claims 5-8**, are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claim 5**, the present application teaches a system for wirelessly connecting a computer device to a server base. The computer device generates location data, retrieves a server phone number from memory based on the generated location data. If no server phone number corresponds to the generated location data, the computer device wirelessly send a request to a default number, a phone number look up number associated by the default number, retrieves a server phone number from a local memory, based on the received request, and sends the retrieved server phone number to the computer device. The computer device wirelessly connects to a server based on the sent server phone number data.

The closes art to the present application such as Hanson (US Patent 5,963,861) teaches a system a system for wirelessly connecting a computer device to a server. The computer device generates location data, send it to a server, and the server retrieves a phone number from memory based on

Art Unit: 2686

the generated location data as mentioned in the above rejection. Hanson fails to teach a system wherein, if no server phone number corresponds to the generated location data was found, the computer device wirelessly send a request to a default number, a phone number look up number associated by the default number, retrieves a server phone number from a local memory, based on the received request, and sends the retrieved server phone number to the computer device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments filed 4/4/05 have been fully considered but they are not persuasive.

In response to applicant's argument that, Hanson does not teach generating data related to the location of the mobile computer device using GPS or user input or the mobile computer device wirelessly sending the location data to a phone number look-up device, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to the applicant's argument that Hanson does not teach wirelessly sending the location data to a phone number look-up device, and store, retrieve or even possess location

Art Unit: 2686

information, the examiner asserts that Hanson teaches determining the location of base stations, when a mobile telephone initiates a call to the dealer-locator service, a mobile telephone switching office identifies the one of the plurality of base stations through which the call is made, identification of the base station through which the call is made is used to determine a business location of the dealer that is in the vicinity of the calling station (col 1 lines 50-60), and the reference determines which of the plurality of base stations is presently communicating with the mobile (col lines 5-10), Hanson states that the base station is used precise, it because the location of the mobile is thus informed of the a business location of the service that is likely to be one if the closest, if not the closest, to the user at the present time (col 2 lines 30-30) (as applicant's mentioned). Hanson fails to teach a method wherein generating location data is derived from a Global positioning System (GPS). However Blumberg teaches a method wherein generating location data is derived from a Global positioning System (GPS) (page 3 section 0044, page 2 section 0017). Therefore, by combining Blumberg with Hanson, enabling the user to receive and transmit digital data including sound, textual and graphic data as, for example, file transfer, electronic mail, facsimiles, electronic posts, data bank access, information center access, images, instructions and multimedia files.

Conclusion

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2686

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

June 27, 2005


MELODY MEHROUR
PATENT EXAMINER